

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
	:	
V.	:	CRIMINAL NUMBER 17-336-01
	:	
	:	
JESUS AVALOS-VILLAGOMEZ	:	

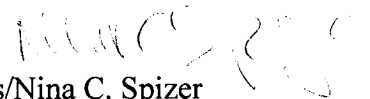
DEFENDANT'S SENTENCING MEMORANDUM

The Presentence Report drafted by Probation Officer Jacqueline Widmeier sets Mr. Avalos-Villagomez's Guidelines sentencing range at 0-6 months incarceration. As set forth in detail below, the defense requests a sentence of time served. By the date of sentencing, Mr. Avalos-Villagomez has served almost 4 months in federal custody. All of the sentencing factors enumerated in 18 U.S.C. § 3553(a) and the fact that Mr. Avalos-Villagomez will be immediately deported weigh in favor of a time served sentence.

Mr. Avalos-Villagomez first came to the United States with valid work papers to earn money to support his family. Mr. Avalos-Villagomez was removed voluntarily several times and in 2012 was removed with an order stating he could not return to the United States for 5 years. It should be noted that the 2012 removal was NOT predicated on any violent offense and the only contact with police Mr. Avalos-Villagomez had was a charge of disorderly conduct. Mr. Avalos-Villagomez returned yet again in 2013, despite the order, because he has two special needs children he desperately needed to support. His daughters suffer from cerebral palsy and his son was seriously injured during an accident. The trauma from that accident has left his son mute and emotionally scarred. Because of his return in 2013, Mr. Avalos-Villagomez was charged with illegal reentry for which he received a time served sentence. This prior illegal re-entry is

Mr. Avalos-Villagomez's only felony conviction. He understands he will be immediately deported and has now served the most jail he has ever served and understands the severity of returning without permission. While the defense does not excuse Mr. Avalos-Villagomez's behavior, his lack of a serious criminal record and his reasons for repeated return warrant consideration by this Court. Moreover, the fact Mr. Avalos-Villagomez has served a guideline sentence as of the date of sentence and will be immediately deported, the defense requests a sentence of time served.

Respectfully submitted,


s/Nina C. Spizer
NINA C. SPIZER
Chief, Trial Unit

CERTIFICATE OF SERVICE

I, Nina C. Spizer, Chief, Trial Unit, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I caused a copy of the Defendant's Sentencing Memorandum, to be filed and served electronically through Electronic Case Filing upon Alicia Freind, Assistant United States Attorney, Suite 1250, 615 Chestnut Street, Philadelphia, Pennsylvania, 19106.

/s/ Nina C. Spizer

NINA C. SPIZER
Chief, Trial Unit

Date: September 8, 2017